

Ajit R. Kantak

LL. M.

ADVOCATE HIGH COURT

Off.: 1st floor, Vikas Building,
Near Pharmacy College,
Panaji-Goa 403 001

PHONE : OFFICE : 2223243

RES: 2463765

CERTIFICATE OF TITLE

1. DESCRIPTION OF THE PROPERTY

All that part and parcel of land admeasuring 3,732 square metres bearing Survey No. 172/15 of Village of Taleigao known as FOTTEMBAT , situated at Taleigao within the limits of the Village Panchayat of Taleigao in the Taluka of Tiswadi , Registration Sub-District of Ilhas , District of North Goa in the State of Goa , this property being described in the Land Registration Office Ilhas under No. 2369 Book B-28 Old but not found enrolled in the Taluka Revenue Office.

This Property is bounded as under:-

Towards the North : Road, beyond which is Sy. No. 172/12 and 14 of Taleigao.

Towards the South : Sy. No. 189/1, 2, 3 and 4 of Taleigao.

Towards the East : Sy. No. 172/16, 17 and 19 and Sy. No. 187/2 of Taleigao.

Towards the West : Sy. No. 171/6 and 7 of Taleigao.

2. LIST OF DOCUMENTS SCRUTINISED

I have examined the following documents :

- i) Form I & XIV of the property bearing Survey No. 172/15 of Taleigao Village .
- ii) Survey Plan.

Ajit R. Kantak

- iii) Extract of the Inventory Proceedings No. 46/1975 in the Court of Civil Judge Senior Division at Panaji.
- iv) Deed of Succession dated 31/12/2003 drawn at folio 1 v of Book No. 681 in the Office of Notary Ex - Officio of Ilhas .
- v) Deed of Sale dated 17.4.2008 registered in the Office of Sub-Registrar of Ilhas at Panaji under No. 1357 in Book No. I Volume No. 1953 at Pages 73 to 95 on 29.4.2008 .
- vi) Deed of Sale dated 28.07.2009 registered in the Office of Sub-Registrar of Ilhas at Panaji under No. 1973 in Book No. I Volume No. 2113 at Pages 225 to 252 on 5.5.2009 .
- vii) Memorandum of Understanding dated 25.9.2009 between Mr. Carlos Viegas and Mrs. Rosaria D'Souza .
- viii) Agreement for Surrender of Rights dated 25.9.2009 by Mr. Mr. Michael das Dores De Mendonca Mendonca along with his mother Mrs. Ana Artemisia Teles e Mendonca and Mr. Joaquim D'Souza and his wife Mrs. Surekha Satardekar D'Souza .
- ix) Extract of the Teor No. 133/2002 of Cancellation of marriage between Michael Das Dores de Mendonca and Ms. Cibelle Ana Augusta Miranda on 4.7.2006 from the Office of Civil Registrar Ilhas.
- x) Deed of Rectification and Ratification dated 15.10.2010 registered in the Office of the Sub-Registrar of Ilhas at Panaji under No. PNJ-BK1-03004-2010 CD No. PNJD3 on 18.10.2010 .

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- xi) Deed of Rectification and Ratification dated 15.10.2010 registered in the Office of the Sub-Registrar of Ilhas at Panaji under No. PNJ-BK1-03005-2010 CD No. PNJD3 on 18.10.2010 .
- xii) Deed of Sale dated 21.10.2010 registered in the Office of the Sub-Registrar of Ilhas at Panaji under No. PNJ-BK1-03077-2010 CD No. PNJD3 on 22.10.2010 .
- xiii) Order dated 20.4.2012 made in Spl. Civil Suit No. 42/2010/A by the Civil Judge , Senior Division at Panaji .
- xiv) Dated 29.1.2013 made in Appeal from Order No. 41/2012 by the High Court of Bombay at Goa .

3. FLOW OF TITLE

On perusal of the documents , it is evident that by an Order of Homologation dated 14.9.1977 made in Inventory Proceedings No. 46/1975 conducted as the death of Minguel Jose Albino Maria das Dores Mendonca , by the Court of the Civil Judge Senior Division at Panaji , the property aforementioned which was listed at item No. 33 was allotted to his son Maria Minguel Jeronimo das Dores Mendonca.

It is then evident that the said Mario Minguel Jeronimo das Dores Mendonca died on 1.12.2002 being survived by his widow Ana Teles Mendonca and his son Michael Das Dores de Mendonca , the same being confirmed by the Deed of Succession

by [signature]

dated 31.12.2003 , drawn in the Office of the Notary Ex – Officio of Ilhas .

It is further evident that vide Deed of Sale dated 17.4.2008 registered in the Office of Sub-Registrar of Ilhas at Panaji , under No. 1357 in Book No. I Volume No. 1953 at Pages 73 to 95 on 29.4.2008 , Mrs. Ana Artemisia Teles e Mendonsa along with her son Michael Dos Dores De Mendonsa sold an area admeasuring 2,000 square metres from the property aforesaid to Mr. Carlos Viegas , this Deed having been registered under the Indian Registration Act and the title therefore passing unto the Purchaser .

It is further evident that vide another Deed of Sale dated 28.07.2009 registered in the Office of Sub-Registrar of Ilhas at Panaji under No. 1973 in Book No. I Volume No. 2113 at Pages 225 to 252 on 5.5.2009 , Mrs. Ana Artemisia Teles e Mendonsa along with her son Michael Dos Dores De Mendonsa sold the remaining area of 1,732 square metres to Mr. Carlos Viegas , this Deed having been registered under the Indian Registration Act and the title therefore passing unto the Purchaser in respect to the whole property admeasuring 3,732 square metres .

It is then evident that there exist two mundkarial dwelling houses bearing H. No. 106 and 138 in the said property .

On 25.9.2009 Mr. Michael das Dores De Mendonca Mendonca along with his mother Mrs. Ana Artemisia Teles e Mendonca entered into an Agreement o Surrender of Rights with Mr. Joaquim D'Souza and his wife Mrs. Surekha Satardekar

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D'Souza for settlement of their mundkarial rights to the dwelling house no. 138 in the said property.

On 25/09/2009 Mr. Carlos Viegas entered into an Agreement with Mrs. Rosaria D'Souza for settlement of her mundkarial rights to the dwelling house no. 106 in the said property.

It is then evident that vide Deed of Rectification and Ratification dated 15.10.2010 registered in the Office of the Sub-Registrar of Ilhas at Panaji under No. PNJ-BK1-03004-2010 CD No. PNJD3 on 18.10.2010 , the Deed of Sale dated 28.7.2009 was rectified and ratified with the ex-wife of Mr. Michael Dos Dores de Mendonsa , by name Mrs. Cibelle Ana Augusta Miranda , who was a divorcee rectified and ratified the Deed as a Vendor/Consenting Party .

It is further evident that vide Deed of Rectification and Ratification dated 15.10.2010 registered in the Office of the Sub-Registrar of Ilhas at Panaji under No. PNJ-BK1-03005 -2010 CD No. PNJD3 on 18.10.2010 , the Deed of Sale dated 17.4.2008 was rectified and ratified with the ex-wife of Mr. Michael Dos Dores de Mendonsa , by name Mrs. Cibelle Ana Augusta Miranda , who was a divorcee rectified and ratified the Deed as a Vendor/Consenting Party .

The Deed of Rectification and ratification was necessitated since the Original Deeds dated 17.4.2008 and 28.7.2009 mentioned Mr. Michael Dos Dores de Mendonsa as a bachelor , when he was a divorcee and there was no document as regards

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the separation of the properties . The Teor No. 133/2002 indicates the Cancellation of marriage between Michael Das Dores de Mendonca and Mrs. Cibelle Ana Augusta Miranda ,

On the execution of the Deed of Rectification an Ratification as aforesaid , the title to the entire property admeasuring 3,732 square metres bearing Survey No. 172/15 of Village of Taleigao came to vest unto Mr. Carlos Viegas .

It is then evident that vide Deed of Sale dated 21.10.2010 registered in the Office of the Sub-Registrar of Ilhas at Panaji under No. PNJ-BK1-03077-2010 CD No. PNJD3 on 22.10.2010 , Mr. Carlos Viegas along with his wife Mrs. Ana Quiteria Fernandes , sold to M/s Devashri Real Estate Developers , the entire property admeasuring 3,732 square metres bearing Survey No. 172/15 of Village of Taleigao. On the registration of this Deed of Sale , the title to the property bearing Survey No. 172/15 admeasuring 3,732 square metres came to vest unto M/s Devashri Real Estate Developers .

It is then evident that a Special Civil Suit No. 42.2010 was filed by Mrs. Ana Artemisa Teles e Mendonsa alias Anita Teles Mendonsa and Mr. Michael Das Dores de Mendonsa seeking a Declaration as against the Sale Deeds dated 17.4.2008 and 28.7.2009 , as also the Deed of sale dated 21.10.2010 . Interim reliefs application by way of temporary Injunction was also filed against Mr. Carlos Viegas , his wife Mrs. Cibelle and Devashri Real Estate Developers . The application for Temporary

By Mr. ...

Injunction sought against the property was however dismissed vide Order dated 20.4.2012 by the Civil Judge Senior Division at Panaji

The Order made by the Civil Judge was challenged before the High Court of Bombay in Appeal from Order No. 41/2012 and vide dated 29.1.2013 , confirmed the Order dated 20.4.2012 as made by the Civil Judge Senior Division at Panaji .

4.

OPINION

In the light of the above , I confirm that Devashri Real Estate Developers has and hold absolute , valid and marketable title to the property admeasuring 3,732 square metres bearing Survey No. 172/15 of Village of Taleigao known as FOTTEMBAT , situated at Taleigao within the limits of the Village Panchayat of Taleigao in the Taluka of Tiswadi , Registration Sub-District of Ilhas , District of North Goa in the State of Goa .

Panaji, Goa .

12.2.2019



AJIT R. KANTAK

ADVOCATE

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ADVOCATE

1st FLOOR, VIKAS BLDG
NEAR PHARMACY COLLEGE
PANAJI GOA-403001